



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

**OFFICE OF THE PLANNING BOARD**

RECEIVED

APR 12 2005

TOWN CLERK'S OFFICE

**WEDNESDAY — APRIL 13, 2005 - 7:30 PM  
TENTATIVE AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**ANNUAL MOBILE HOME PARK REVIEW:**

- A. CINTRON MOBILE HOME PARK – CEDAR AVE.

**REGULAR ITEMS:**

1. **BRIARWOOD SUBDIVISION (01-60) MT. AIRY ROAD (DI NARDO)**  
Proposed 42-lot residential subdivision.
2. **DOUGLAS HIRSCH LOT LINE CHANGE (05-08) LAKESIDE DRIVE  
(CLEARWATER)** Proposed residential lot line change.
3. **PELLEGRINO(05-09) RT. 207 (MIELE)** Proposed 2-lot residential subdivision.
4. **ADC WINDSOR SUBDIVISION (01-45) KINGS ROAD (SHAW)** Proposed 49-lot  
residential subdivision.

**DISCUSSION**

**ADJOURNMENT**

**(NEXT MEETING –APRIL 27, 2005)**

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 13, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
NEIL SCHLESINGER  
JERRY ARGENIO  
THOMAS KARNAVEZOS  
ERIC MASON

ALTERNATES: JOSEPH MINUTA  
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call the April 13, 2005 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

CINTRON MOBILE HOME PARK

MR. PETRO: Mike, has someone from your department been to the site?

MR. BABCOCK: Yes, we have, Mr. Chairman, there is a note that says all building numbers must be four inches tall. Myra, is there a note of who did the inspection there?

MS. MASON: Barney Bedetti.

MR. BABCOCK: I would suggest that the applicant give him a call and find out what he's talking about, whether it's street numbers or house numbers. I'm not sure that I understand it myself. I'll give you a copy of this.

MR. PETRO: We're not going to hold you up. Do you have a check to the Town of New Windsor?

MS. MASON: I think it's 9-1-1 numbers for the house.

MR. BABCOCK: He should call and just make sure, check with the fire inspector's office, his name is Barney Bedetti and he'll let you know exactly what you need there.

MR. PETRO: A check for \$140 to the Town of New Windsor. Motion for one year extension.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Cintron Mobile Home Park on Cedar Avenue. Any

April 13, 2005

3

further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

REGULAR ITEMS:

BRIARWOOD SUBDIVISION (01-60)

Robert DiNardo, Esq., Mr. Pat Brady and Mr. Chris Kirwan appeared before the board for this proposal.

MR. PETRO: Proposed 42 lot residential subdivision. This application involves subdivision of 3 tax parcels totaling 42.8 acres into 42 single family residential lots. The plan was previously reviewed at the 24 October, 2001, 8 December, 2004 and 9 February, 2005 planning board meetings, R-3 zone. Lot count has been reduced to 42, is that correct?

MR. KIRWAN: Yes, sir.

MR. PETRO: What was it originally, 50, correct?

MR. KIRWAN: Fifty, yeah.

MR. PETRO: The board held and closed a public hearing seeking preliminary approval, approval was held pending completion of storm water pollution plan, Mark, and you have informed me that you found that acceptable, your office found that acceptable.

MR. EDSALL: Yes, there are some I won't call them new issues but just some things I'd like to make the board aware of ongoing discussions with the City of Newburgh if you want to consider that now.

MR. PETRO: Yes.

MR. EDSALL: Obviously, we're reviewing the storm water pollution prevention plan relative to the standards set by DEC and those standards referenced in the Town's code for this particular application there's a heightened interest because the project is immediately adjacent to Brown's Pond, which is a potable water

reservoir for the city also used by the Town of New Windsor on occasion. And honestly the Town is in the process of negotiating some permanent arrangements to use Brown's Pond. As the board requested, I sent the plans over to the City of Newburgh and today we received a four page letter just outlining some concerns that they have. I don't believe that any concerns are such that you should stop preliminary approval and you shouldn't consider a negative dec, but I would want the applicant to acknowledge the fact that they have a unique situation that they're so close to a reservoir and these issues have to be addressed between preliminary and final to the satisfaction of both Town of New Windsor and City of Newburgh.

MR. ARGENIO: What's the spirit of their concerns? Did it all evolve around the pond?

MR. EDSALL: It evolves around getting some more detailed calculations being possibly a little more conservative providing some protective measures that might default by nature, so if there's a failure of the primary system there's additional protection, those things just to provide additional protection to Brown's Pond as well.

MR. ARGENIO: Relative to the discharge to Brown's Pond?

MR. EDSALL: Yes and I believe that their attention to this is made even greater by the fact that they have had such difficulties with Mt. Airy Estates, The Reserve, there's been a repeated history of failure there, not at the cause of this applicant but obviously they have their concerns on this so if we can get that acknowledgement from the applicant and there may be some deed restrictions that need to be put in, I'm sure Bob would be willing.

MR. DINARDO: I wonder if I can get a copy?

MR. EDSALL: I just got a faxed copy as I came in tonight.

MR. DINARDO: As I get the technical measures from a design point of view, I will propose some deed restrictions that hopefully will enforce those design restrictions.

MR. EDSALL: I don't believe that there's any reason why you should adopt a condition negative dec, I think that's inappropriate, I think a negative dec with just the acknowledgement that we do have some final design issues that have to take place between preliminary and final, if that's acceptable.

MR. DINARDO: Certainly is to the applicant.

MR. PETRO: Motion for negative dec?

MR. ARGENIO: Motion for negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board make the negative dec for the Briarwood major subdivision with the conditions that Mark just read in and the applicant agreed to. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: It says that we need to address Dick

April 13, 2005

7

McGoey's comments about a swale for drainage on Miss O'Leary's property, swale to be done first.

MR. KIRWAN: That's on the plan.

MR. EDSALL: I believe that was added after the previous meeting.

MR. PETRO: Mark has it so we don't need to go over it, Mark, it's done, I'm not going to worry about it then. Sidewalks are on one side of the road?

MR. KIRWAN: Yes, they are on there.

MR. PETRO: One of the other items that come out in the public hearing I remember was the speed limit on Mt. Airy Road and I think the Town's made a couple requests to do so we're working on that, the Town is actually working on it.

MR. ARGENIO: DOT, Jim?

MR. DINARDO: I think that may be necessary because it intersects with a state road.

MR. ARGENIO: I see.

MR. PETRO: Mark, see anything else?

MR. EDSALL: No, I, at this point giving them preliminary approval allows them to proceed to the health department, allows them to move on to the DEC and get the plans finished up.

MR. PETRO: Any other comments from the board members?

MR. ARGENIO: I'll make a motion for preliminary approval for Briarwood major subdivision on Mt. Airy Road.



MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to Briarwood major subdivision on Mt. Airy Road. Any other comments from the board members?

MR. MASON: Mr. Chairman, there was one concern about where the road came out by the church about the sight distance and everything.

MR. KIRWAN: I met with Highway Superintendent Kroll and we designed a sway in the road a little bit and we've got the greatest amount of sight distance there and we also have the 90 degree that he was looking for at that intersection, so that's been addressed.

MR. PETRO: Again, this is preliminary, any other comment? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.

DOUGLAS HIRSCH LOT LINE CHANGE (05-08)

Mr. James Clearwater appeared before the board for this proposal.

MR. PETRO: Proposed residential lot line change. The application proposes lot line change between the involved lots to rearrange the two residents on the properties. Plan has been reviewed on a concept basis, R-4 zone, this application requires a referral to the zoning board of appeals for several variances. Some corrections need to be made to the plan before it goes to the ZBA. Mr. Clearwater, you can pick up a copy from Mark to go over those corrections, correct bulk table information, correct side yard setback lot number 10 so there's some minor things there. Currently the properties exist as two lots with two residences with noncompliances and encroachments, application proposes to review lot line arrangement demolishing the house on lot 10 and reconstructing house at the locality on the lot closer to Beaver Dam which is, does he need for the ZBA, Mark?

MR. EDSALL: They have some existing non-conformances but some are being made worse so they'd have to be sent over but the bulk table needs to be corrected before we can send it over, I'm sure I can work with Jim.

MR. PETRO: Why are they being made worse, going to build a house bigger than you're taking down?

MR. CLEARWATER: You have two skinny lots and there's a house on each lot, the one house on lot 10 encroaches over the line, common line, so the idea is to eliminate that house and instead of having two houses side by side have two houses one behind the other with a 15 foot wide strip, a driveway coming down on the--

MR. PETRO: So you're going to eliminate the lot line between the two?

MR. CLEARWATER: Right, eliminate the lot line between.

MR. PETRO: Where would the new lot line be?

MR. CLEARWATER: The lot nearest the lake would be a flag shaped lot, the variances come in with the frontage and lot width, especially on the new lot 10 which would be obviously too narrow and lacking sufficient frontage. The other variances would be the side yards and--

MR. EDSALL: They're effectively taking two bowling alley narrow strips and they're going to stagger the houses and create a rear lot being a flag lot.

MR. PETRO: But there's already two houses there so we're not creating anything, we're going to replace the one house.

MR. EDSALL: Right now the house goes over the line, obviously that's not desirable, so in the long run I think if they were creating another lot you'd be opposed to it, the fact that they're cleaning up a little bit of a mess overall it's an improvement.

MR. PETRO: We're starting with two and ending with two houses.

MR. CLEARWATER: We keep the lots the similar size so we're not increasing the non-conformity on one lot or the other.

MR. EDSALL: For area.

MR. PETRO: You don't have anything else?

MR. CLEARWATER: That's it.

MR. PETRO: Motion for final approval.

MR. ARGENIO: I'll make a motion for final approval.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Hirsch lot line change on Lakeside Drive. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. KARNAVEZOS	NO
MR. MASON	NO
MR. SCHLESINGER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the zoning board for your necessary variances. If you are successful in receiving those variances, you can reappear before this board.

MR. CLEARWATER: Thank you very much.

PELLEGRINO (05-09)

Mr. Michael Miele appeared before the board for this proposal.

MR. PETRO: Next is Pellegrino on Route 207. Proposed 2 lot residential subdivision. Application proposes the subdivision of 4.7 acre parcel into two single family residential lots, this plan was reviewed on a concept basis only, R-1 zone so you need 80,000 foot lots. Some corrections are needed to the bulk table as follows, I don't need to go through them all, you can get a copy of this from Mark.

MR. MIELE: Not yet.

MR. PETRO: Mark, give him a copy so he can correct all that. Why don't you tell us briefly what you want to do being it's the first time.

MR. MIELE: It's an existing house located on lot 1 now this is just a little bit I guess west of Scully's where John Pellegrino there's an existing landscape yard I think he has a barn on lot two, there's an existing dwelling on lot 1 that he's looking to remain and he wants to get another single family residential lot on lot 2. There's an existing right-of-way that goes up, we're proposing about a 350 foot private road relocating the right-of-way along the private road then re-establishing it back to the back. So now both driveways will be coming off the private road, private road entrance will be exactly where the entrance is now to the old landscape yard on and to where the existing dwelling is now.

MR. PETRO: How long is the private road?

MR. MIELE: Three hundred, a little over 300 feet.

MR. PETRO: So the lot number 2 driveway would come off

the end of the private road?

MR. MIELE: Yes and then we'll re-establish lot 1 driveway to come off the private road also so you'll still only have one access out on to the state right-of-way.

MR. PETRO: Size of the lots Mark conform, what's the size of both lots?

MR. EDSALL: Yes.

MR. MIELE: One's just over 80,000 and the other's 125,000.

MR. EDSALL: Are those net numbers or 82,3 including the private road?

MR. MIELE: To be honest, I'll have to check, I don't believe that includes the right-of-way, I think that's net.

MR. ARGENIO: Did you say what the right-of-way served, does it serve the lots in the back?

MR. MIELE: It's to get back to Lang and instead of keeping the right-of-way where it is, we're going to re-deed it down a private road and re-establish it back in the end instead of keeping it, you know--

MR. PETRO: I think if the road were, it's 2,300 feet, if it's 300 feet long and 30 feet wide if he netted out the number he'd still be conforming anyway.

MR. EDSALL: He's got enough to work with either way.

MR. PETRO: I think so. The planning board may wish to authorize issuance of a lead agency coordination letter for the project, begin the SEQRA process.

MR. ARGENIO: I'll make a motion we take lead agency for the project.

MR. SCHLESINGER: Second it.

MR. PETRO: Issue a coordination letter. Motion has been made and seconded that the New Windsor Planning Board authorize lead agency coordination letter to be mailed. Myra, take care of it. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: I recommend a public hearing for this application given the existing right-of-way through the property, we're going to Orange County.

MR. ARGENIO: Public hearing.

MR. PETRO: He can do that at this time, Mark. Let me see what else we have here, why do we have to go to DOT, Mark, when the road's already existing, is it a private road now?

MR. EDSALL: No, it's a driveway now.

MR. PETRO: You're going to make it a private road?

MR. EDSALL: Yeah so I'd just as soon not get them jammed up later when they get a permit that DOT never saw it.

MR. MIELE: Newburgh office?

MR. EDSALL: Yes, we'll refer it over subject to the board okaying I'll send it to both DOT and the Planning Department.

MR. PETRO: We're going to authorize a public hearing and I guess what we'll do is schedule it after we hear back from the, more than 30 days runs out on the letter we'll authorize it tonight so you don't have to come back in the meantime.

MR. MIEL: Okay.

MR. PETRO: Motion to have a public hearing.

MR. ARGENIO: I'll make the motion.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the Pellegrino minor subdivision on New York State 207. Any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: Mark, do you have anything else on the plan itself that you want to discuss? It's pretty straightforward.

MR. EDSALL: We've been working at the workshop and adjusting things and cleaning it up, I think it's in much better shape than the initial plans.

MR. PETRO: Okay, thanks for coming in.



MR. MIELE: Thank you.

MR. ARGENIO: Let me ask you one thing, in our private road spec, we still allow the emulsion and stone treatment to the road?

MR. EDSALL: That's at minimum, a lot of people put pavement instead of the oil and chip but that's the minimum requirement.

ADC WINDSOR SUBDIVISION (01-45)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposed 49 lot residential subdivision. We'll take a half hour recess and get back to you. This application involves subdivision of 142 acre parcel into 49 single family residential lots. The plan was previously reviewed at the 27 June, 2001, 13 March, 2002, 22 May, 2002, October 8, 2003 planning board meetings, it's R-1 zone, small portion in the OLI zone, required bulk data is correct and application is grandfathered from the new lot area requirements. The property is also involved in the lot line change with Witfield.

MR. EDSALL: That was previously approved, Greg, do you know if that's filed?

MR. SHAW: Yes.

MR. PETRO: Only open issues is final approval from the highway superintendent. What do I have there under review? No, wait a minute, no, it's been approved, conditional approval with engineer's approval. So Mark, it's up to you. To be determined by planning board regarding street trees we discussed that one time earlier, I guess, street trees. At this time the applicant is seeking final approval, they indicate that they have obtained Orange County Department of Health approval, is that true, sir?

MR. SHAW: Yes, I have a copy of the approval letter in the file.

MR. PETRO: Plans should be on file at the planning board and it is, I am aware of no problems with the board granting this approval with the following conditions, final review of the plans with planning

board engineer to verify and accept all previous comments addressed, submittal of the public improvement cost estimate approval standard, verification that drainage district has been formed. Mark?

MR. EDSALL: I received today some paperwork indicating that it's in the works so they would just have to--

MR. SHAW: It has been submitted, hand delivered today.

MR. EDSALL: That needs just to be finished.

MR. PETRO: I won't sign it until you tell me it's ready to go.

MR. EDSALL: Correct.

MR. PETRO: Verification that the 9-1-1 street numbering that's been, has been approved by the fire inspector if I look over here.

MR. SHAW: Mr. Chairman, the street names and the 9-1-1 numbering system has been, was given to me by the fire inspector and it's reflected on the plans, so I think you do need to just get something in the file stating that he verifies it but it is done.

MR. PETRO: Will you take care of that?

MS. MASON: Yes.

MR. PETRO: We'll take care of that here because it's obviously done, submittal of offers of dedication subject to the conditions of the attorney for the Town.

MR. SHAW: Submitted today.

MR. PETRO: So these are all items that Myra and/or Mark can tell me are completed and then I'd be able to sign the plan sometime in the future.

MR. SHAW: I think we need to revise it, one item that is the street trees. You have new subdivision regulations which require street trees on each side of the treat for every 40 feet, okay, and in discussing this with Mark at the workshop session he felt that it was necessary to come before the board to see how you feel about street trees because if you do, they need to be reflected on the bond estimate, that's really the only thing holding up the submission of that in to your engineer. So I think you need to tell me what your pleasure is regarding street trees.

MR. EDSALL: I spoke since that with Mike and apparently the Town recommends that that's in the code, has been requiring street trees, but they're not holding to the 40 as a definitive number, it's varying between 50 and 70, 75, so we probably will include some number consistent with what Mike's been applying.

MR. BABCOCK: I made Mt. Airy. You can't come up with a number, 40 feet, it doesn't work, could be a catch basin, can be utilities, whatever, so I told them 50 to 75 feet actually looks nice.

MR. PETRO: But for bond purposes, you can come up with a number?

MR. EDSALL: We'll come up with a number, an average.

MR. PETRO: No sense of us telling you.

MR. BABCOCK: If they're 40 feet, the bond would be more, that was, or do you want them, I think that's really--

MR. PETRO: It's hard to come up with a definitive spread because like you say, it could come right in the middle.

MR. EDSALL: Point being if we bond for an average of every 50 feet and the highway superintendent decides that he wants less, then it's bonded but it doesn't get installed, it's covered.

MR. PETRO: Is that acceptable to you? I'm sure it is, every 50 feet.

MR. BABCOCK: I think the applicant's saying he would rather you say he don't have to put them in at all.

MR. SHAW: Thank you.

MR. PETRO: No.

MR. BABCOCK: That's what we need.

MR. PETRO: Just do what we've been doing, you take care of the number and you take care of the bond estimate.

MR. EDSALL: Worst case if it's determined if areas where there's existing vegetation that this developer protects the existing trees and they're not destroyed, we eliminate them, if they clear cut everything and there's no trees to be seen for miles.

MR. PETRO: We're trying to get away from the clear cutting, it's been rampant.

MR. SHAW: That's a farm, it's pretty much wide open, it's meadow, you'll see maybe little clusters of trees, of wooded areas but for the most part, it's just a field, so issue of clear cutting is behind us, it was done decades ago, the million dollar question is with this being an open field, do you want a ring of trees around the roadway and only the roadway cause that's where the trees are or do you think it would be a more aesthetic site if there was no trees?

MR. PETRO: Can never be more aesthetic without trees, but you have to use common judgment, if he comes up to where trees are planted as natural vegetation--

MR. EDSALL: Good thing is the trees would be the last thing you'd do so you'd have the advantage of having it all installed and make an actual visual inspection.

MR. ARGENIO: I was going to ask who decides what kind of tree? I don't want to get into too much.

MR. BABCOCK: We do, we change the type of tree on each.

MR. ARGENIO: There should be trees, I think it should be every 12 or 13 feet. I think every 50 feet or so is good.

MR. SHAW: Mark, am I to understand that there will be no location of the trees on the drawings, just be a number that will be generated by you and put into the bond estimate?

MR. EDSALL: Correct.

MR. BABCOCK: The other thing we ran into as you know Mt. Airy was occupied when we started this process and some people didn't want trees in their front yard, believe it or not, they didn't want them.

MR. PETRO: If they don't want it and if they're living there--

MR. BABCOCK: We didn't want to have a tree and then space and then all of a sudden no trees, so we actually opened up the spacing so that we could skip that person's lot so it would look right when you're driving down the road. We'll take care of it.

MR. EDSALL: We won't locate anything on the plans,

we'll just include it in the bond.

MR. SHAW: You'll just give me a number?

MR. EDSALL: We will.

MR. SHAW: Thank you.

MR. PETRO: Greg, where is the sidewalks on this?

MR. SHAW: Not going to see it on that drawing. What I did not do is hand the board an entire set of drawings because we would have had to have taken out a few trees. If you look, you'll see on the plans there's concrete sidewalk throughout on one side of the street.

MR. SCHLESINGER: Interior or--

MR. SHAW: It's pretty much going to be on the exterior of the road, it's going to be on the side which faces the boundary of the subdivision.

MR. ARGENIO: We've seen this level of detail though prior to this meeting on several occasions, am I correct?

MR. SHAW: Yeah.

MR. ARGENIO: That's what I remember.

MR. SCHLESINGER: And lighting?

MR. ARGENIO: It's on the plan.

MR. SHAW: There's street lighting, you won't be able to see it, the lights were decided by your engineer, myself at a workshop meeting at critical locations that I felt was appropriate.

MR. ARGENIO: Where has this applicant been for the

past 20 months, 18 months?

MR. SHAW: What had happened was in order for us to not have to go to the DEC for a permit to disturb the buffer of the DEC wetlands, we had to purchase a strip of property from Mr. Witfield, that took about a year because he had to have a subdivision before the board himself, all right, and he wanted to have that rectified before he was in a position of conveying that property to my client so that just killed about a year. And last October when you told everyone that they had 12 months to wrap up all their projects, if they were grandfathered, we got into a foot race where we were actually having a joint site inspection with the health department in the middle of December with three inches of snow on the ground.

MR. ARGENIO: To close on the land and keep the thing moving?

MR. SHAW: Absolutely, we did not want to be in a position of coming back here in August, all right, and finding the time is running thin. Mr. Petro was very clear when he says a stamped plan by October, he means a stamped plan.

MR. ARGENIO: Okay.

MR. PETRO: In the meantime, the lots have gone up 75,000 a piece so everybody is happy.

MR. SHAW: Can I just bring one other item out to the board? When we dealt with the SEQRA on this project it was based on 49 lots, all the drainage was on 49 lots and you generated a negative declaration on 49 lots. This application before you is only for 38 lots and the reason that it's 38 is that we ran into a time with respect to timing bad weather to continue doing additional percolation tests, trying to generate another lot or two. What I'd like to at least get into



the record is that we may be returning back to this board some day to resubdivide some of these large lots realizing full well that they will not be grandfathered in, they have to comply with the current zoning, but SEQRA has been addressed, okay, for any additional lots that would be recreated on this subdivision up to 49 and there's no way we're going to get another 11 lots but we'll probably get a couple.

MR. PETRO: I don't have a problem with it, of course it's going to be 80,000 square foot lots?

MR. SHAW: 80,000 square foot lots.

MR. PETRO: Okay, Greg, I think we went over everything here. Mark, once again, I'm repeating it twice, the highway conditionally approved with the engineer's approval, okay, you have the other six bullets that I read in earlier, Greg, that you're going to have to comply with before I sign the plans?

MR. SHAW: Absolutely.

MR. PETRO: Trees will be determined by the building inspector and Mark Edsall for the bond estimate and that's about it. You may or may not be in to subdivide a couple lots again but under the new zoning law.

MR. SHAW: Under the new zoning.

MR. PETRO: I don't see anything else, you have 9-1-1 on there, we talked about that.

MR. SHAW: Correct.

MR. ARGENIO: Jim, relative to the trees, how can you do a subject to the trees?

MR. PETRO: I'm not going to do a subject-to relative to the trees.

MR. EDSALL: And I'm going to make sure it's included in the bond, that's all.

MR. PETRO: Once it's in the bond, he's going to want to do it.

MR. ARGENIO: It's just the bullets, subject to the bullets that we read in.

MR. PETRO: All right, motion for final approval.

MR. ARGENIO: Motion for final approval for ADC Windsor subdivision major subdivision subject to the six bullets that Jim read in earlier.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the ADC Windsor subdivision on Kings Road, I went over the six bullets earlier, do I need them again, with the six bullets that Mark gave me on his sheet. Are there any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. SHAW: Thank you.

MR. PETRO: Greg, what's in the boulevard, what's going to be in the center median?

MR. SHAW: It's going to be a grass area and I'm sure

there's going to be trees cause when Mark and I talked about the trees probably we thought that they would be a nice effect to be able to drive up that boulevard and have the trees line the middle of it, so I'm sure that's where Mark is going to put a good percentage of the trees.

MR. PETRO: Thank you.

DISCUSSION

MR. EDSALL: Just one quick item under discussion obviously one of the issues that was brought to light again tonight is the ongoing difficulties we're having with construction and siltation and contamination and erosion. For years it's been purely a DEC issue, the Town recently adopted some storm water regulations which have enforcement capabilities, we're, just so the board's aware, we're going to attempt to try to work a little more actively on the enforcement side. In the past, we've always just called DEC and the enforcement and the penalties and the fines all came from DEC. I think DEC is probably overburdened about all the construction and a lot of times the damage is felt by the Town not just the DEC as far as what contamination and problems occur. So I wanted you to be aware that we're going to be stepping that up. We had the first case being a site plan this board approved that had a wonderful soil erosion plan prepared by Mr. Shaw, unfortunately, during construction they didn't do a damn thing or close to nothing so we sent our guy out, they evaluated it, we sent a memo to Mike telling him this guy is in noncompliance, we're going to get a warning and I'd probably say if they're not straightened out within a week, Mike probably sends over enforcement, stops work, gives them a violation.

MR. SCHLESINGER: What's the method of supervising this?

MR. EDSALL: Well, it's the contractor's responsibility, whoever is doing the job to follow the plans, but they're just ignoring certain aspects, one being this erosion control and so on.

MR. SCHLESINGER: But the thing is that they have not been following, it was never picked up before, I mean--

MR. EDSALL: What happened is the compliance was a

permit issue and the permits from the DEC we did pick up on it and we did call DEC but we're not always to go to DEC. Now we're going to start going through Mike's office and going to actually start more actively stopping jobs and subject to the approval of the supervisor start using Town forces to write violations.

MR. SCHLESINGER: So the burden is from Mike's end or your end?

MR. EDSALL: Both, we're going to work on it together, it's going to be our field guys who are going to advise me there's a problem. I'm going to send out someone, would be of our guys, one of the specialists on the soil erosion sediment control issues, he'd go and do a follow-up review, if he finds it's not in compliance, he will send out a memo and Mike will send out enforcement. We can't rely purely on DEC and in the case of Brown's Pond it's hurting us, Brown's Pond is getting contaminated, we're now taking water out for the Town's water system and there's a silt problem caused by one of the developments, as far as I'm concerned.

MR. MINUTA: Is that going to be a milestone set during the course of construction or for a spot check for site visits?

MR. EDSALL: Just going to be we've done it all along but we've always called DEC so we're doing the same thing but using a different avenue for enforcement.

MR. MINUTA: So we should expect this on every project?

MR. EDSALL: I'm not saying we're going to be collecting separate fees, as I understand it, just for compliance issues. Jerry probably knows better than I do for following up on compliance with the storm water pollution prevention plan.

MR. ARGENIO: I'll take it to the next level without getting too far tonight, Jim, on the large commercial sites, big retailers and such of which I have done maybe half dozen, the developer or the general contractor is compelled by contract to retain services of an environmental engineer who inspects the site weekly or in the event of a rainfall event greater than one inch and it happens automatically, I'm dealing with that in Wal-Mart right now in New Windsor and Town of Newburgh I'm dealing with it at Target in the Town of Newburgh and dealt with other big ones in the past, I don't want to take it too far, Mark, but I'm telling you they, it's a whole separate animal in amongst itself and I think the Town of Newburgh while I'm critical of them in many venues I think they're on the cusp by getting separate fees.

MR. EDSALL: They're way beyond where I'm talking about going, I'm trying to find a happy medium between us, just passing the buck to DEC versus the Town of Newburgh who's really going after it aggressively collecting whole separate series of fees, they have got scheduled inspections on a regular basis, they actually check the weekly information that Jerry's mentioning for the consultants that do the weekly inspections, I'm trying to find someplace in the middle so we maybe can start controlling the people who are abusing it. I'm not saying we're going to go out and check every silt fence every week and check every report but find something in the middle.

MR. ARGENIO: Let me add one other thought, Jim, I think you're on the right track because to a great extent on the large projects it's mechanical because they're compelled to retain services of environmental engineers but I'm going to tell you where it runs rampant, even unchecked is on these residential subdivisions that are off the beaten path up in the woods on the top of the hill or in the valley that nobody goes to see except Mike's guys are inspecting

footings and things like that. But they're there to inspect footings, there's nobody checking the environmental issues and I will tell you a classic example is the Meadow Winds subdivision off 52, every time it rained, the pond down on Algonquin Park turned brown for days. It's because they just weren't on top of their game for years, nobody checked it and I think that maybe that specific subdivision maybe one of the reasons the Town of Newburgh is sharpening their teeth on the issue.

MR. EDSALL: We're going to try to get someplace in the middle, as I said, there's the small jobs like Jerry said, ones that tend to fall through the cracks, but a perfect case is RPA, it was a nightmare for a number of months, they caused us agida, you wouldn't believe we're going to start routinely checking all the projects and if we need to have enforcement at least now we're going to work with Mike's guys and we're going to try to at least push people a little harder to keep up their end of the bargain.

MR. ARGENIO: What do you need from us, just heads up?

MR. EDSALL: Just letting you know because there's going to be the guys that have never put up a silt fence in their life, all of a sudden, along comes Mike's guys and they get a stop work add order and they get yelled at, they're going to be crying to somebody, if you heard it, at least we gave you an idea of what we're up to. It's in the law.

MR. PETRO: One more step.

MR. EDSALL: I'm not happy with the need to do it but on the other hand, it's, like Jerry said, if you look at some of the ponds, look at Brown's Pond, it's wrong, Brown's Pond has a brown plume of silt laden runoff running into it and God knows DEC's fined them well over \$100,000 as I understand. Point is the damage is

still occurring, so somebody's got to, you know, kick these guys, we're going to try.

MR. ARGENIO: When they clean the site up and knock it down, what do you do with the silt?

MR. EDSALL: I'm sure DEC will help us out with that.

MR. ARGENIO: I imagine they have an answer.

MR. EDSALL: They do collect all the permit fees so if we should go to anyone on this it should be the people getting all the money.

MR. PETRO: I'm glad I'm done anyway. Motion to adjourn?

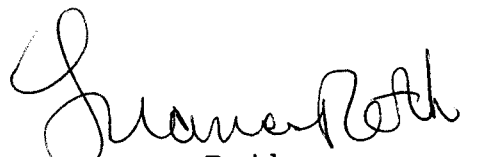
MR. SCHLESINGER: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer  
4/25/05